

AREN 10 US1 REG
(AREN-0122)

PATENT
S/N 09/301,811

REMARKS

Claims 1, 10-33, and claims 37-45 are pending in this application. Claim 1 has been allowed, claims 2-9 and claims 34-36 were previously canceled and claims 37-45 previously withdrawn. By this amendment, claims 10-33 and 37-45 have been canceled. Claim 1, which has been allowed, is the only remaining claim.

Election/Restriction

Applicant notes the withdrawal and cancellation of claims 37-45. Applicant respectfully reserves the right to pursue the subject matter of those claims in one or more continuing or divisional applications.

Information Disclosure Statement

The Action indicates that the February 24, 2003 IDS (mailed February 20, 2003) was not considered because it was not accompanied by the appropriate certification or fee.

In accordance with the discussion held with Examiner Marianne P. Allen and Applicant's attorney, Michael A. Patané, on August 18, 2003, Applicant hereby resubmits the Information Disclosure Statement previously filed on February 20, 2003. Although the Office Action indicates that the IDS was not considered for lack of appropriate fee or certification, Applicant respectfully asserts that all requirements of 37 C.F.R. § 1.97 for submitting the IDS had been met on the date of its initial filing.

On February 20, 2003, the date the IDS was filed, a non-final Office Action (paper 14, mailed January 2, 2003) was outstanding. Accordingly, since the IDS was filed subsequent to the mailing of a first action and later than three months from the initial filing, but before the mail

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date of a Final Action, 37 C.F.R. § 1.97(c) applies. 37 C.F.R. § 1.97(c) provides that the IDS shall be considered if accompanied by either a statement under 37 C.F.R. § 1.97(e) or the fee set forth in 37 C.F.R. § 1.17(p). The Fee Transmittal sheet submitted with the February 20, 2003 IDS specifically authorized the Commissioner to "Charge any additional fee(s) during the pendency of this application." Accordingly, the appropriate fee should have been charged, and the IDS considered on the record. Copies of the references should already be in the official file. If, however, the Examiner needs additional copies, she is asked to contact Applicant's undersigned attorney.

Applicants respectfully request that the IDS and references cited therein be considered on the record and that any new Action necessitated by such consideration should reset the period for response.

Allowed Claim

Applicant notes with appreciation the indication independent claim 1 is allowable.

35 USC § 112

Claims 10-33 stand rejected under 35 USC § 112, first paragraph, for allegedly containing new matter. Claims 10-33 have been cancelled without prejudice and without disclaimer of the subject matter contained therein. Cancellation of these claims is not intended to be an acquiescence to the outstanding rejection. The cancellation of these claims renders the rejection moot. Applicant respectfully reserves its right to pursue the subject matter contained therein in one or more continuing applications.

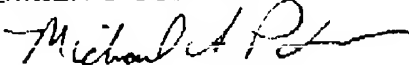
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Conclusion

Applicant respectfully asserts that this paper is fully responsive to the outstanding Office Action and that all pending claims are now in condition for allowance. Accordingly, early reconsideration and allowance of all pending claims are respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,
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Date: August 22, 2003

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